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Attorneys for Mr. Haynes

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**(HONORABLE DANA M. SABRAW)**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HAYNES, III,

Defendant.

Case No. 08cr0366-DMS

Date: March 28, 2008

Time: 11:00 a.m.

**NOTICE OF MOTIONS AND  
MOTIONS TO:**

- (1) COMPEL DISCOVERY;**
- (2) PRESERVE AND INSPECT EVIDENCE;**
- (3) COMPEL PRODUCTION OF GRAND  
JURY TRANSCRIPTS;**
- (4) DISMISS INDICTMENT DUE TO  
MISINSTRUCTION OF THE GRAND  
JURY**
- (5) SUPPRESS ALL EVIDENCE;**
- (6) DISMISS THE INDICTMENT BECAUSE  
THE GOVERNMENT DEPORTED  
EXCULPATORY WITNESSES;**
- (7) SUPPRESS STATEMENTS OF ALL  
UNAVAILABLE WITNESSES;**
- (8) SEVER COUNTS ONE, THREE, AND FIVE  
FROM COUNTS TWO, FOUR AND SIX,  
PURSUANT TO RULE 14;**
- (9) GRANT LEAVE TO FILE FURTHER  
MOTIONS**

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY;  
EUGENE LITVINOFF, ASSISTANT UNITED STATES ATTORNEY;

1 **PLEASE TAKE NOTICE** that on March 28, 2008, at 11:00 a.m., or as soon thereafter as counsel  
 2 may be heard, the accused, James Haynes, III, by and through his attorneys, David M.C. Peterson and  
 3 Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined  
 4 below.

5 **MOTIONS**

6 Defendant, Mr. Haynes, by and through his attorneys, David M.C. Peterson and Federal Defenders  
 7 of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and  
 8 all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

- 9 (1) Compel discovery;  
 10 (2) Preserve and inspect evidence;  
 11 (3) compel production of grand jury transcripts;  
 12 (4) dismiss indictment due to misinstruction of the grand jury;  
 13 (5) suppress all evidence;  
 14 (6) dismiss the indictment because the government deported exculpatory witnesses;  
 15 (7) suppress statements of all unavailable witnesses;  
 16 (8) sever counts one, three and five from counts two, four and six, pursuant to rule 14;  
 17 (9) grant leave to file further motions.

18 These motions are based upon the instant motions and notice of motions, the attached statement of  
 19 facts and memorandum of points and authorities, and any and all other materials that may come to this  
 20 Court's attention at or before the time of the hearing on these motions.

21 Respectfully submitted,

22 Dated: March 14, 2008

23 /s/ David M.C. Peterson  
 24 **DAVID M.C. PETERSON**  
 25 Federal Defenders of San Diego, Inc.  
 26 Attorneys for Mr. Haynes  
 27 david\_peterson@fd.org  
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